

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Cedric Greene,
Plaintiff
v.
The People of the State of California,
Defendant

Case No.: 2:15-cv-300-JAD-PAL

**Order Order Adopting Report and
Recommendation [Doc. 4], and
Dismissing this Action with Prejudice**

9 Cedric Greene filed this action seeking to expunge a California state criminal record.¹
10 Magistrate Judge Peggy Leen determined that this district lacks subject matter jurisdiction to
11 entertain that request, and who recommended I dismiss Greene's complaint with prejudice.² In her
12 recommendation, Magistrate Judge Leen noted that "Greene does not identify any federal or state
13 statute that would authorize this Court to provide the relief he requests," and she explains that
14 California law requires Greene to file his petition in the superior court for the county in which he
15 was convicted if he wishes to expunge a conviction.³ Greene filed an objection.⁴

When a party files specific written objections to a United States magistrate judge's findings and recommendations,⁵ the district court must make a de novo determination of those portions of the report to which objections are made.⁶ The court may accept, reject, or modify, in whole or in part, the magistrate judge's findings and recommendations.⁷ The standard of review for the unobjected-to

¹ See Doc. 5.

2 Doc. 4.

³ *Id.* at 3.

4 Doc. 8.

⁵ 28 U.S.C. § 636(b); D. Nev R. IB 3-2.

6 *Id.*

⁷ *Id.*

1 portions of the report and recommendation is left to the district judge's discretion.⁸ Moreover, "no
 2 review is required of a magistrate judge's report and recommendation unless objections are filed,"⁹
 3 and this district's Local Rule IB 3-2(b) requires *de novo* consideration of specific objections only.¹⁰

4 Greene's objection fails to direct me to any particular portion of Magistrate Judge Leen's
 5 report and recommendation he finds objectionable. Instead, Greene uses his "objection" to explain
 6 that "the codes told him to submit this action to Nevada's District and allow it to determine what
 7 Judicial level the District wish for this matter to be at," and speculates whether he should "take the
 8 risk and use a street tactic to go after the person that owe him?"¹¹ Greene's expression of futility
 9 apparently stems from his difficulties litigating this dispute in the California courts; he complains
 10 that going "to any Downtown Los Angeles Court to get approval to litigate a case is like asking
 11 Magic Johnson to return to the game of Basketball to play for the Los Angeles Lakers." He recounts
 12 that an order entered in one of his California matters "was so disrespectful to the point that Justice
 13 did not permit for this matter to go before any Court within California within Los Angeles
 14 County."¹² According to Greene, the order was "disrespectful" because it stated that "California's
 15 state parole [board] did not act unreasonab[ly] when they incarcerated Greene."¹³

16 Greene's various points bear no relationship to Judge Leen's findings and recommendation
 17

18 ⁸ *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121-22 (9th Cir. 2003) (a "district judge must
 19 review the magistrate judge's findings and recommendations *de novo if objection is made*, but not
 20 otherwise.") (emphasis in original).

21 ⁹ *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003). *See also Thomas v. Arn*,
 22 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

23 ¹⁰ *Id.*; *United States v. Burkey*, 2009 WL 1616564, at *2 (D. Nev. June 8, 2009) (finding that
 24 defendant did not specifically object to magistrate judge's recommendation denying motion to dismiss
 25 criminal indictment, where defendant "copied and posted his Motion to Dismiss and recast it as
 26 Objections."); *cf. Carrillo v. Cate*, 2009 WL 2575888, at *1 (S.D. Cal. Aug. 17, 2009) (citing *Burkey*,
 27 and nothing that "generalized objections" do not require *de novo* review).

28 ¹¹ Doc. 8 at 2.

12 *Id.*

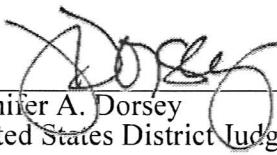
13 *Id.*

1 and does nothing to undermine her conclusion that this court lacks subject matter jurisdiction over
2 this case. Even if Greene had managed to specifically object to this central conclusion, I would have
3 overruled it because I agree with Magistrate Judge Leen that the District of Nevada lacks
4 jurisdiction to review his California matter. Without subject matter jurisdiction over Greene's claim,
5 I proceed no further.

6 Accordingly, with good cause appearing and no reason for delay, it is hereby ORDERED
7 that Magistrate Judge Leen's report and recommendation [Doc. 4] is ADOPTED in its entirety and
8 Greene's objections [Doc. 8] are overruled.

9 It is FURTHER ORDERED that this case is DISMISSED with prejudice. The Clerk of
10 Court is instructed to close this case.

11 DATED June 3, 2015.


12 _____
13 Jennifer A. Dorsey
14 United States District Judge

15 **Clerk to notify:**

16 Cedric Greene
17 545 South San Pedro St.
18 Los Angeles, CA 80013
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